

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY AC D.C.

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THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W.D. OF TN, MEMPHIS

PHILLIP E. BOYNTON, et. al.,)
)
Plaintiffs,)
)
v.)
)
HEADWATERS, INC., et. al.,)
)
Defendants.)

No. 02-1111 Ml/An

ORDER DENYING CERTAIN MOTIONS AS MOOT

Before the Court are the following motions that relate to Plaintiffs' intent to call Mr. Larry Laycock, Esq., lead counsel for Defendant Headwaters, Inc., as a witness at the trial of this matter:

- Motion in Limine to Strike Headwaters' Lead Counsel from Plaintiffs' Witness List and Preclude His Testimony at Trial by Defendant Headwaters, Inc., filed on October 18, 2004. (Docket No. 258.)
- Motion to Quash Subpoena of October 19, 2004, to Larry R. Laycock by Defendant Headwaters, Inc., filed on November 3, 2004. (Docket No. 305.)
- Plaintiffs' Motion in Limine Requesting Special Jury Instruction, filed on October 18, 2004. (Docket No. 272.)

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- Plaintiffs' Motion in Limine to Declare Larry Laycock a "Missing Witness," filed on October 15, 2004. (Docket No. 251.)
- Plaintiffs' Motion in Limine to Restrict Argument by Opposing Counsel, filed on October 18, 2004. (Docket No. 245.)

By letter to the Court on July 14, 2005, Defendant Headwaters, Inc., indicated that Mr. Laycock will not argue to the Jury or question witnesses in this matter and that it will no longer contest Plaintiffs' request to call Mr. Laycock as a witness. Defendant Headwaters, Inc., also indicated that its October 19 and November 4, 2004, motions were withdrawn. Accordingly, the motions listed above are DENIED as moot.

So ORDERED this 9 day of August, 2005.



JON P. McCALLA
UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 374 in case 1:02-CV-01111 was distributed by fax, mail, or direct printing on August 11, 2005 to the parties listed.

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Honorable Jon McCalla
US DISTRICT COURT